### 特許協力条約

PCT

### 特許性に関する国際予備報告(特許協力条約第二章)

(法第12条、法施行規則第56条) (PCT36条及びPCT規則70)

| REC'D 0 | İ | JUL | 2004 |
|---------|---|-----|------|
| WIPO    | _ |     | PCT  |

電話番号 03-3581-1101 内線 3448

| 出願人又は代理人<br>  の <b>書類記号</b> P02-0086PCT                                                                                        | 今後の手続きについ            | ては、様式PCT/               | IPEA/416を参照                                        | けること。                |
|--------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|----------------------------------------------------|----------------------|
| 国際出願番号<br>PCT/JP03/10288                                                                                                       | 国際出願日<br>(日.月.年) 13. | 08.2003                 | 優先日<br>(日.月.年) 13.0                                | 8. 2002              |
| 国際特許分類 (IPC)<br>Int. Cl' C12N15/09,                                                                                            | C12P21/02, C07K14/00 | ), 16/00, G01N33/15, 33 | 3/48, 33/50, G06F17/30                             |                      |
| 出願人 (氏名又は名称)<br>独立行政法人理化                                                                                                       | 学研究所                 |                         |                                                    |                      |
| 1. この報告書は、PCT35条に基づき 法施行規則第57条 (PCT36条) の 2. この国際予備審査報告は、この表紙:                                                                 | の規定に従い送付する           |                         | 予備審査報告である。<br>・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・ |                      |
| 3. この報告には次の附属物件も添付される。                                                                                                         | れている。<br>ページである      | 5.                      |                                                    |                      |
| 補正されて、この報告の基本<br>囲及び/又は図面の用紙(                                                                                                  |                      |                         |                                                    | 月細書、請求の範             |
| 第 I 欄 4. 及び補充欄に示<br>国際予備審査機関が認定し                                                                                               |                      | こおける国際出願の開              | 示の範囲を超えた補正を                                        | と含むものとこの             |
| b × 電子媒体は全部で デ<br>配列表に関する補充欄に示す<br>ブルを含む。(実施細則第8                                                                               | ように、コンピュータ           | 7読み取り可能な形式<br>,         |                                                    | 類、数を示す)。<br>長に関連するテー |
| 4. この国際予備審査報告は、次の内容                                                                                                            | を含む。                 | . ,                     |                                                    |                      |
| <ul> <li>※ 第 I 欄 国際予備審査幸</li> <li>第 II 欄 優先権</li> <li>第 II 欄 新規性、進歩性</li> <li>第 IV欄 発明の単一性の</li> <li>※ 第 V欄 PCT35条(</li> </ul> | 主又は産業上の利用可<br>D欠如    |                         |                                                    | 目解 それを取付             |
| 対                                                                                                                              | 状及び説明<br>文献<br>簡     | <b>是少任人</b> (4) 壁来工V    | ·                                                  | , CAVE 3213          |
|                                                                                                                                |                      | T                       |                                                    |                      |
| 国際予備審査の請求書を受理した日 20.02.2004                                                                                                    |                      | 国際予備審査報告を               | :作成した日<br>9.06.2004                                | · <del></del>        |
| 名称及びあて先<br>日本国特許庁 (IPEA/JP                                                                                                     | )                    | 特許庁審査官(権阿               | のある職員)                                             | 4N 8412              |
| 郵便番号100-8915 東京都千代田区霞が関三丁目4                                                                                                    |                      | 田                       | 村 明 照                                              |                      |

# 特許性に関する国際予備報告

国際出願番号 PCT/JP03/10288

| 第I欄 報告の基礎                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------|
| 1. この国際予備審査報告は、下記に示す場合を除くほか、国際出願の言語を基礎とした。                                                                                |
| □ この報告は、                                                                                                                  |
| ✓ 出願時の国際出願書類                                                                                                              |
| 明細書       ページ、 出願時に提出されたもの         第 ページ*、                                                                                |
| 請求の範囲       項、 出願時に提出されたもの         第       項*、PCT19条の規定に基づき補正されたもの         第       項*、                                    |
| 図面       第       ページ/図、 出願時に提出されたもの         第       ページ/図*、 付けで国際予備審査機関が受理したもの         第       ページ/図*、 付けで国際予備審査機関が受理したもの |
| × 配列表又は関連するテーブル<br>配列表に関する補充欄を参照すること。                                                                                     |
| 3.                                                                                                                        |
| 4. □ この報告は、補充欄に示したように、この報告に添付されかつ以下に示した補正が出願時における開示の範囲を超えてされたものと認められるので、その補正がされなかったものとして作成した。 (PCT規則70.2(c)) □ 明細書 第      |
| * 4. に該当する場合、その用紙に "superseded" と記入されることがある。                                                                              |

| 配列表に関する補充机                    | N .          |                                                                                            |
|-------------------------------|--------------|--------------------------------------------------------------------------------------------|
| 第I欄2.の続き                      |              |                                                                                            |
| 1. この国際出願で<br>以下に基づき国際        | 開示され<br>発予備報 | いかつ <b>請求の範囲に係る発明に必要なヌクレオチド又はアミノ酸配列に関して、</b><br>股告を作成した。                                   |
| a. タイプ                        | ×            | 配列表                                                                                        |
|                               |              | 配列表に関連するテーブル                                                                               |
| b. フォーマット                     |              | 魯面                                                                                         |
|                               | ×            | コンピュータ読み取り可能な形式                                                                            |
| c. 提出時期                       |              | 出願時の国際出願に含まれる                                                                              |
|                               | ×            | この国際出願と共にコンピュータ読み取り可能な形式により提出された                                                           |
|                               |              | 出願後に、調査又は予備審査のために、この国際機関に提出された                                                             |
|                               |              |                                                                                            |
| 2. × さらに、配列<br>た配列が出題<br>あった。 | 列表又は<br>質時に提 | は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出し<br>提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出が |
| 3. 補足意見:                      |              |                                                                                            |
|                               |              |                                                                                            |
|                               |              |                                                                                            |
| ·                             | •            |                                                                                            |
|                               |              |                                                                                            |
|                               |              |                                                                                            |
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|                               |              |                                                                                            |
|                               |              |                                                                                            |
|                               | •            | •                                                                                          |
|                               |              |                                                                                            |
| ,                             |              | ·                                                                                          |
| *第Ⅰ欄4.に該当す                    | ↑る場合         | 、差替える配列表又は配列表に関連するテーブルに "superseded" と記入されることがある。                                          |

### 特許性に関する国際予備報告

国際出願番号 PCT/JP03/10288

| 1. | 見解                                                                            | :                                                                                                             |                                         | ,                                     |        |
|----|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-----------------------------------------|---------------------------------------|--------|
|    | 新規性(N)                                                                        | 請求の範囲 1- 1- 1- 1- 1- 1- 1-                                                                                    | 20                                      |                                       | 有<br>無 |
|    | 進歩性(IS)                                                                       | 請求の範囲                                                                                                         | 2 0                                     |                                       | 有<br>無 |
|    | 産業上の利用可能性 (IA)                                                                | 請求の範囲 <u>1 ー</u><br>請求の範囲 <u>1 ー</u>                                                                          | 2 0                                     | •                                     | 有<br>無 |
|    | → 大大 マペラグ UE ( D C C 45 UI)                                                   |                                                                                                               |                                         | · · · · · · · · · · · · · · · · · · · |        |
| ۷. |                                                                               |                                                                                                               |                                         |                                       |        |
| 2. | 文献 1 : Nature Gene<br>文献 2 : WO 00/17355<br>& EP 111415<br>文献 3 : WO 01/04245 | ics, 2000, Vol.25, p. A2, (INCYTE PHARMACEU'<br>B A2 & JP 2002-526076<br>B A1, (廣明秀一) 2001. (<br>A (アドバンスドテクノ | FICALS Inc.) 20<br>A<br>06.14 & TP 2001 | -544328 A                             | 会社)    |

請求の範囲9、12

請求の範囲9、12に記載された発明は、国際調査報告書に引用された文献1、

電がいる。 2により進歩性を有しない。 文献2には、ヒト細胞骨格関連タンパク質(CYSKP)9のアミノ酸配列(配列番号9)及び塩基配列(配列番号25)が記載されており、当該タンパク質がCAPーG1yドメインを有することも記載されている(表2ー3)。そして、当該タンパク質の断片ポリペプチドと特異的に結合する抗体、並びに当該ポリペプチドに対するアゴニスト及びアンタゴニストも記載されている。 したがって、文献1に記載されたCAPーG1yドメインに対する抗体を作成するアントやCAPーG1yドメインに対する抗体を作成することをCAPーG1yドメインに対する抗体を作成することをCAPーG1yドメインに対する抗体を作成することをCAPーG1yドメインに対する抗体を作成することをCAPーG1yドメインに対する抗体を作成することをCAPーG1yドメインに対する抗体を作成することをCAPーG1yドメインに対する抗体を作成することをCAPーG1yドメインに対する抗体を作成することをCAPーG1yドメインに対する抗体を作成することをCAPーG1yドメインに対象することをCAPーG1yドメインに対する抗体を作成することをCAPーG1yドメインに対象することをCAPーG1yドメインに対象を可能を対象がある。

ることやCAPーGlyドメインに結合するリガンド(アゴニスト、アンタゴニスト)をスクリーニングすることは当業者に自明のことである。

(補充欄に続く)

| 特許性に関する | 国際予備報告 |
|---------|--------|
|---------|--------|

国際出願番号 PCT/JP03/10288

| 第VI欄    | ある種の引用文献 |   |
|---------|----------|---|
| AT ATUM | める性いり用人似 | ı |

1. ある種の公装された文書 (PCT規則70.10)

| 出願番号                                 | 公知日          | 出願日          | 優先日(有効な優先権の主張) |
|--------------------------------------|--------------|--------------|----------------|
| ———————————————————————————————————— | (日.月.年)      | _(日.月.年)     | (日.月.年)        |
| WO 03/048341 A2<br>[EX]              | 12. 06. 2003 | 03. 12. 2002 | 03. 12. 2001   |

2. 書面による開示以外の開示 (PCT規則70.9)

 書面による開示以外の開示の種類
 書面による開示以外の開示の目付
 書面による開示以外の開示に言及している

 (日.月.年)
 書面の目付(日.月.年)

### 第四欄 国際出願に対する意見

請求の範囲、明細書及び図面の明瞭性又は請求の範囲の明細書による十分な裏付についての意見を次に示す。

請求の範囲16-18、20に記載された発明は、ソフトウェア関連発明として考慮した場合、ソフトウェアによる情報処理とハードウェア資源とがどのように協働しているか具体的に特定して記載されていないので、不明確である。 (日本特許庁においては、当該発明は「自然法則を利用した技術的思想の創作」に該当しないと判断されるから、特許可能な保護対象に該当しない。)

請求の範囲16-19において、コンピュータ上でCAP-Glyドメインに結合する化合物(リガンド)のスクリーニングを行うことが記載されているが、原子座標を用いて同定された当該リガンド候補が、CAP-Glyドメインに対して結合親和性を実際に有することを裏付ける実験結果が明細書中に存在しない。よって、実施可能要件を満たさない。

請求の範囲20において、コンピュータ上でCAP-G1yドメインに類似する構造未知のタンパク質の立体構造を推定する方法が記載されているが、明細書中には構造未知のタンパク質の立体構造に関する具体的な記載が存在しない。よって、実施可能要件を満たさない。

### 補充欄

いずれかの欄の大きさが足りない場合

#### 第 V 欄の続き

# 請求の範囲13、14

請求の範囲13、14に記載された発明は、国際調査報告書に引用された文献1、 2により進歩性を有しない。

抗体をポリペプチドの定量に用いることは当該技術分野の常套手段である。

# 請求の範囲16-19

請求の範囲16-19に記載された発明は、国際調査報告書に引用された文献1-3により進歩性を有しない。

文献3には、PXドメインを有するタンパク質及びその変異体の3次元構造座標を使用して、PXドメイン結合物質の結合を促進する化合物を同定、検索、評価又は設計する方法が記載されている。

ここで、本発明は情報処理のためのコンピュータ・ソフトウェア関連発明であり、 その技術的特徴は用いられる情報処理方法である。情報処理方法において、情報処理 の手順が先行技術のものと相違しない場合、新規性は肯定されない。本発明におい て、先行技術と当該発明の相違点として挙げられる「立体構造に関する情報」という 事項は、データの内容に言及しているに過ぎず、コンピュータの情報処理の手順を変 更するものではないので、この相違点をもって本願請求項に係る発明の新規性は肯定 されない。

したがって、文献1及び2に基づいて自明と判断されるスクリーニング方法をコン ピュータ上で行うことは、文献3により当業者に自明である。

# 請求の範囲20

請求の範囲20に記載された発明は、国際調査報告書に引用された文献1、4により進歩性を有しない。

文献4には、目的タンパク質との相同性の度合いが高い参照タンパク質の座標に基づいて、目的タンパク質の立体構造を予測する方法が記載されている。

ここで、本発明は情報処理のためのコンピュータ・ソフトウェア関連発明であり、 その技術的特徴は用いられる情報処理方法である。情報処理方法において、情報処理 の手順が先行技術のものと相違しない場合、新規性は肯定されない。本発明におい て、先行技術と当該発明の相違点として挙げられる「立体構造に関する情報」という 事項は、データの内容に言及しているに過ぎず、コンピュータの情報処理の手順を変 更するものではないので、この相違点をもって本願請求項に係る発明の新規性は肯定 されない。

したがって、文献1に記載されたCAP-Glyドメインに類似するタンパク質の 立体構造の推定をコンピュータ上で行うことは、文献4により当業者に自明である。

# PATENT COOPERATION TREATY



# **PCT**

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

|                                                                                                                                                                                                                                                                                                                                          |                                        | <del></del>                                   |                                                                                           |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-----------------------------------------------|-------------------------------------------------------------------------------------------|--|
| Applicant's or agent's file reference P02-0086PCT                                                                                                                                                                                                                                                                                        | FOR FURTHER AC                         | TION                                          | See Form PCT/IPEA/416                                                                     |  |
| International application No.                                                                                                                                                                                                                                                                                                            | International filing date              | (day/month/year)                              | Priority date (day/month/year)                                                            |  |
| PCT/JP2003/010288                                                                                                                                                                                                                                                                                                                        | 13 August 2003                         | (13.08.2003)                                  | 13 August 2002 (13.08.2002)                                                               |  |
| International Patent Classification (IPC) or n<br>C12N 15/09, C12P 21/02, C07K                                                                                                                                                                                                                                                           | ational classification and             | IPC                                           |                                                                                           |  |
| Applicant                                                                                                                                                                                                                                                                                                                                | RIKI                                   | EN                                            |                                                                                           |  |
| This report is the international prelin     Authority under Article 35 and trans                                                                                                                                                                                                                                                         |                                        |                                               | International Preliminary Examining 5.                                                    |  |
| 2. This REPORT consists of a total of                                                                                                                                                                                                                                                                                                    | sheets, i                              | including this cover s                        | heet.                                                                                     |  |
| <ol> <li>This report is also accompanied by A</li> </ol>                                                                                                                                                                                                                                                                                 | ANNEXES, comprising:                   |                                               |                                                                                           |  |
| a. (sent to the applicant and                                                                                                                                                                                                                                                                                                            | to the International Bure              | eau) a total of                               | sheets, as follows:                                                                       |  |
| sheets of the desc<br>and/or sheets con<br>Administrative In                                                                                                                                                                                                                                                                             | taining rectifications autl            | awings which have be<br>horized by this Autho | een amended and are the basis of this report ority (see Rule 70.16 and Section 607 of the |  |
| sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goe beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.                                                                                                   |                                        |                                               |                                                                                           |  |
| b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))  1 disk , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). |                                        |                                               | tables related thereto, in computer readable                                              |  |
| 4. This report contains indications rela                                                                                                                                                                                                                                                                                                 | ting to the following item             | ns:                                           | ,                                                                                         |  |
| Box No. I Basis of the re                                                                                                                                                                                                                                                                                                                | port 🐇                                 |                                               |                                                                                           |  |
| Box No. II Priority                                                                                                                                                                                                                                                                                                                      | ************************************** |                                               |                                                                                           |  |
|                                                                                                                                                                                                                                                                                                                                          | ment of oninion with rec               | ard to posselts, instant                      | ive step and industrial applicability                                                     |  |
| Box No. IV Lack of unity                                                                                                                                                                                                                                                                                                                 | graft.                                 | ard to noverty, mivent                        | ave step and industrial applicationity                                                    |  |
| Box No. V Reasoned state                                                                                                                                                                                                                                                                                                                 | ement under Article 35(2               | ) with regard to nove                         | Ity, inventive step or industrial applicability;                                          |  |
| citations and e                                                                                                                                                                                                                                                                                                                          | xplanations supporting s               | uch statement                                 |                                                                                           |  |
| <del>-</del>                                                                                                                                                                                                                                                                                                                             | :                                      | liantion                                      |                                                                                           |  |
| Box No. VII Certain defects in the international application                                                                                                                                                                                                                                                                             |                                        |                                               |                                                                                           |  |
| Box No. VIII Certain observations on the international application                                                                                                                                                                                                                                                                       |                                        |                                               |                                                                                           |  |
| Date of submission of the demand                                                                                                                                                                                                                                                                                                         |                                        | Date of completion of                         | of this report                                                                            |  |
| 20 February 2004 (20.02                                                                                                                                                                                                                                                                                                                  | 2.2004)                                | 09                                            | June 2004 (09.06.2004)                                                                    |  |
| Name and mailing address of the IPEA/JP                                                                                                                                                                                                                                                                                                  |                                        | Authorized officer                            | •                                                                                         |  |
| Facsimile No.                                                                                                                                                                                                                                                                                                                            |                                        | Telephone No.                                 |                                                                                           |  |

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

# PCT/JP2003/010288

| Box No. I           | Basis of the report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | ard to the language, this report is based on the international application in the language in which it was filed, unless<br>the indicated under this item.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                     | this report is based on translations from the original language into the following language, which is language of a translation furnished for the purpose of:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                     | international search (under Rules 12.3 and 23.1(b))                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                     | publication of the international application (under Rule 12.4)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                     | international preliminary examination (under Rules 55.2 and/or 55.3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| furnishe<br>and are | gard to the elements of the international application, this report is based on (replacement sheets which have been d to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" not annexed to this report):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                     | he international application as originally filed/furnished                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1                   | e description:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                     | e claims:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                     | nges*, as amended (together with any statement) under Article 19                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                     | e drawings:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                     | sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 3 Ti                | he amendments have resulted in the cancellation of:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                     | the description, pages                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                     | the claims, Nos.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| ] _                 | the drawings, sheets/figs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| } _                 | the sequence listing (specify):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| } L                 | any table(s) related to sequence listing (specify):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 4. T                | his report has been established as if (some of) the amendments annexed to this report and listed below had not been                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                     | ade, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box cule 70.2(e)).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Ì                   | the description, pages                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Ì                   | the claims, Nos.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| ĺ                   | the drawings, sheets/figs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| * If item 4         | applies, some or all of those sheets may be marked "superseded."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/010288

|            | П,          | ILEE              | WATIONALINESSMENT                                                                                                                                                                                                                                  | 1 C1/31 2003/010200                            |
|------------|-------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| Su         | pplen       | nenta             | al Box Relating to Sequence Listing                                                                                                                                                                                                                |                                                |
| Co         | ntinu       | ation             | n of Box No. 1, item 2:                                                                                                                                                                                                                            | ,                                              |
| l <b>.</b> | With        | n rega<br>ntion,  | ard to any nucleotide and/or amino acid sequence disclosed in the international, this report was established on the basis that of:                                                                                                                 | application and necessary to the claimed       |
|            | a.          | type              | e of material                                                                                                                                                                                                                                      |                                                |
|            |             | $\boxtimes$       | a sequence listing                                                                                                                                                                                                                                 |                                                |
|            |             |                   | table(s) related to the sequence listing                                                                                                                                                                                                           |                                                |
|            | b.          | form              | mat of material                                                                                                                                                                                                                                    |                                                |
|            |             |                   | in written format                                                                                                                                                                                                                                  |                                                |
|            |             | $\boxtimes$       | in computer readable form                                                                                                                                                                                                                          |                                                |
|            | c.          | time              | e of filing/furnishing                                                                                                                                                                                                                             |                                                |
|            |             |                   | contained in the international application as filed                                                                                                                                                                                                |                                                |
|            |             | X                 | filed together with the international application in computer readable form                                                                                                                                                                        |                                                |
|            |             | $\overline{\Box}$ | furnished subsequently to this Authority for the purpose of search and/or ex                                                                                                                                                                       | gamination                                     |
|            |             | $\Box$            | received by this Authority as an amendment* on                                                                                                                                                                                                     |                                                |
| 2.         | $\boxtimes$ | or f              | addition, in the case that more than one version or copy of a sequence listing a furnished, the required statements that the information in the subsequent or adolication as filed or does not go beyond the application as filed, as appropriate, | difficulty copies is identical to that in the  |
| 3.         | Add         |                   | al comments:                                                                                                                                                                                                                                       |                                                |
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|            | * Ij        | fitem             | 4 in Box No. I applies, the listing and for table(s) related thereto, which form                                                                                                                                                                   | part of the basis of the report, may be marked |
|            | "su         | perse             | eded".                                                                                                                                                                                                                                             |                                                |

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/JP 03/10288

| V. | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; |
|----|------------------------------------------------------------------------------------------------------------|
|    | citations and explanations supporting such statement                                                       |

| <u> </u> |                               |        |      |       |
|----------|-------------------------------|--------|------|-------|
| 1.       | Statement                     |        |      |       |
|          | Novelty (N)                   | Claims | 1-20 | YES   |
|          |                               | Claims |      | NO    |
|          | Inventive step (IS)           | Claims |      | YES   |
|          |                               | Claims | 1-20 | NO    |
|          | Industrial applicability (IA) | Claims | 1-20 | YES   |
|          |                               | Claims |      | NO NO |

### 2. Citations and explanations

Document 1: Nature Genetics, 2000, Vol. 25, pages 160-165

Document 2: WO 00/17355 A2 (Incyte Pharmaceuticals
Inc.), 03 March 2000, & EP 1114158 A2 & JP
2002-526076 A

Document 3: WO 01/042453 A1 (Hidekazu HIROAKE), 14 June 2001, & JP 2001-544328 A

Document 4: JP 7-206894 A (Advanced Technology Institute Kabushiki Kaisha), 08 August 1995

Claims 1-8, 10, 11 and 15

The inventions that are set forth in claims 1-8, 10, 11 and 15 do not involve an inventive step in the light of document 1 cited in the international search report.

Document 1 indicates that the cancer suppression gene CYLD from humans comprises three CAP-Gly domains, and illustrates that a CAP-Gly domain is present in the region comprising amino acids 464-554 (the amino acid sequence that is common to SEQ ID NO: 1, 3, 5 and 7) in the CYLD protein (fig. 4).

In addition, it would be obvious to a person skilled in the art to produce a domain by means of recombinant DNA technology in order to analyze the structure of said domain, and it would also be obvious to a person skilled

in the art to identify genes that are related to CAP-Gly domains using the transformed cells that are obtained.

# Claims 9 and 12

The inventions that are set forth in claims 9 and 12 do not involve an inventive step in the light of documents 1 and 2 cited in the international search report.

Document 2 discloses the amino acid sequence (SEQ ID NO: 9) and the base sequence (SEQ ID NO: 25) for the human cytoskeleton associated protein (CYSKP) 9, and indicates that said protein contains a CAP-Gly domain (charts 2-3). In addition, document 2 discloses antibodies that specifically bond to partial polypeptides from said protein, as well as agonists and antagonists against said polypeptides.

Consequently, it would be obvious to a person skilled in the art to create antibodies against the CAP-Gly domains that are indicated in document 1, and to screen for ligands (agonists and antagonists) that bond to the CAP-Gly domains.

### Claims 13 and 14

The inventions that are set forth in claims 13 and 14 do not involve an inventive step in the light of documents 1 and 2 cited in the international search report.

In the technical field in question, it is common practice to use antibodies in order to determine the quantity of a polypeptide.

# Claims 16-19

The invention that is set forth in claims 16-19 does not involve an inventive step in the light of documents 1-3 cited in the international search report.

Document 3 discloses a method that uses the three-

dimensional structural coordinates of a protein or a mutant thereof that contains a PX domain in order to identify, search for, evaluate or design compounds which promote the binding activity of a substance that is capable of binding to the PX domain.

Furthermore, the present invention pertains to computer software for processing information, wherein the information processing method employs the abovementioned technical feature. Information processing methods wherein the procedures for processing information do not differ from the procedures in prior art methods cannot be considered to be novel. Herein, the "information pertaining to the three-dimensional structure," which is indicated in the present application as a feature that differentiates the present invention from the prior art, merely alludes to the content of the data to be processed, and does not indicate a change in the procedures by which a computer processes information; therefore, this difference is not sufficient to establish the novelty of the invention that is set forth in claims 16-19 of the present application.

Consequently, in the light of document 3 it would be obvious to a person skilled in the art to implement the screening method, which has been determined to be obvious on the basis of documents 1 and 2, on a computer.

#### Claim 20

The invention that is set forth in claim 20 does not involve an inventive step in the light of documents 1 and 4 cited in the international search report.

Document 4 discloses a method for predicting the three-dimensional structure of a target protein on the basis of the coordinates of a reference protein that exhibits a high degree of homology in relation to the target protein.

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/JP 03/10288

Furthermore, the present invention pertains to computer software for processing information, wherein the information processing method employs the abovementioned technical feature. Information processing methods wherein the procedures for processing information do not differ from the procedures in prior art methods cannot be considered to be novel. Herein, the "information pertaining to the three-dimensional structure," which is indicated in the present application as a feature that differentiates the present invention from the prior art, merely alludes to the content of the data to be processed, and does not indicate a change in the procedures by which a computer processes information; therefore, this difference is not sufficient to establish the novelty of the invention that is set forth in claim 20 of the present application.

Consequently, in the light of document 4 it would be obvious to a person skilled in the art to estimate the three-dimensional structure of a protein that is similar to the CAP-Gly domain, which is disclosed in document 1, on a computer 4.



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/010288

| ox No. V  | VI Certain document                                                 | ts cited                |                 |                                          | ···        |                                                                            |
|-----------|---------------------------------------------------------------------|-------------------------|-----------------|------------------------------------------|------------|----------------------------------------------------------------------------|
| . Certaiı | n published documents (                                             | Rule 70.10)             |                 |                                          |            |                                                                            |
|           | Application No. Patent No.                                          | Publication (day/month) | on date h/year) | Filing date (day/month/year)             | _          | Priority date (valid claim) (day/month/year)                               |
| •         | WO 03/048341 A2                                                     | 12 June 2003            | (12.06.2003)    | 03 December 2002 (03                     | 3.12.2002) | 03 December 2001 (03.12.200)                                               |
|           | [E X]                                                               |                         |                 |                                          |            |                                                                            |
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|           |                                                                     |                         |                 |                                          |            |                                                                            |
| 2. Non-   | Non-written disclosures (Rule 70.9)  Kind of non-written disclosure |                         | Date of not     | Date of non-written disclosure referring |            | e of written disclosure<br>g to non-written disclosure<br>(day/month/year) |
|           |                                                                     |                         |                 |                                          |            |                                                                            |
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|           |                                                                     |                         |                 |                                          |            |                                                                            |

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/JP 03/10288

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

If the inventions that are set forth in claims 16-18 and 20 are understood to pertain to software, then the disclosures of said claims are unclear because they do not directly specify the manner in which the hardware resources and the processing of information by means of software are interrelated (the Japanese Patent Office has determined that the present invention does not correspond to a "creative result of a technical concept utilizing the laws of nature," and as such, does not pertain to a subject matter that can be protected by a patent.

Claims 16-19 disclose the feature of screening for compounds (ligands) that are capable of binding to the CAP-Gly domain by means of a computer. However, the description does not present any experimental results indicating that the ligand candidates which are identified via their atomic coordinates actually exhibit an affinity for bonding to the CAP-Gly domain; therefore, claims 16-19 do not conform to the enabling requirement.

Claim 20 discloses a method for estimating the three-dimensional structure of a protein with an unknown structure, which is similar to the CAP-Gly domain, by means of a computer. However, the description does not make any specific disclosures pertaining to the three-dimensional structure of proteins with an unknown structure; therefore, claim 20 does not conform to the enabling requirement.